

PATENT

Case Docket No. ELITRA.001A

Date: August 15, 2003



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Zyskind, et al.  
Appl. No. : 09/492,709  
Filed : January 27, 2000  
For : GENES IDENTIFIED AS  
REQUIRED FOR  
PROLIFERATION IN  
ESCHERICHIA COLI  
Examiner : A. Marschel  
Group Art Unit : 1631

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) Examiner Ardin Marschel, Art Unit 1631, 7th Floor  
) Receptionist, United States Patent and Trademark  
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August 15, 2003  
(Date)

*Daniel Hart*

Daniel Hart, Reg. No. 40,637

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United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) A Supplemental Information Disclosure Statement.
- (X) A PTO Form 1449 with ten (10) references, eight (8) of which are enclosed.
- (X) A check is enclosed in the amount of \$180 to cover the fees set forth in 37 C.F.R. §1.17(p).
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.
- (X) Return prepaid postcard.

*Daniel Hart*

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Registration No. 40,637

Attorney of Record

Customer No. 20,995

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ELITRA.001A

PATENT



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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

Enclosed is form PTO-1449 listing ten (10) references. References 1-8 are enclosed. References 9 and 10 are U.S. patent applications which are not publicly available but which Applicants believe are accessible to the PTO. Applicants will file a Petition shortly requesting that the requirement for providing a paper copy of U.S. patent applications listed in an Information Disclosure Statement be waived with respect to References 9 and 10 in view of the fact that these applications are not accessible to Applicants but are accessible to the USPTO.

This Information Disclosure Statement is being filed after the mailing date of a final action under 37 C.F.R. § 1.113 or after the mailing date of a Notice of Allowance under § 1.311. This Statement is accompanied by the fee set forth in 37 C.F.R. § 1.17(p). The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to Account No. 11-1410. A certification under 37 C.F.R. § 1.97(e) is set forth below.

08/19/2003 KBETEM1 00000043 09492709

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Appl. No. : 09/492,709  
Filed : January 27, 2000

CERTIFICATION UNDER 37 C.F.R. § 1.97(e)(2)

I hereby certify that no item of information contained in this Statement was cited in a communication from a foreign Patent Office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than 30 days prior to the filing of this Information Disclosure Statement.

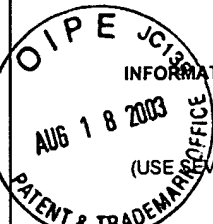
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 15, 2003

By: Daniel Hart  
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Customer No. 20,995  
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081403

FORM PTO-1449		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. ELITRA.001A		APPLICATION NO. 09/492,709	
 <p><b>SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p>(USE SEVERAL SHEETS IF NECESSARY)</p>				APPLICANT Zyskind, et al.			
				FILING DATE January 27, 2000		GROUP 1631	

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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPROPRIATE)
	1	6,171,838 B1	01/09/01	Black			
	2	2002/0115217 A1	08/22/02	Fan, et al.			

FOREIGN PATENT DOCUMENTS								
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	3	WO 99/18239	04/15/99	PCT				
	4	WO 01/07061 A1	02/01/01	PCT				
	5	WO 03/034027 A2	04/24/03	PCT				

EXAMINER INITIAL	OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)	
	6	U.S. Patent Application No. 08/896,342, filed July 18, 1997.
	7	U.S. Provisional Patent Application No. 60/060,767, filed October 2, 1997.
	8	U.S. Patent Application No. 09/361,318, filed July 27, 1999.
	9	U.S. Patent Application No. 09/697,258.
	10	U.S. Patent Application No. 09/944,061.

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081403

EXAMINER	DATE CONSIDERED
<p>*EXAMINER: INITIAL IF CITATION CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP 609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED, INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.</p>	